United Nations A/67/550

General Assembly

Distr.: General
2 November 2012

Original: English

Sixty-seventh session
Agenda item 53
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General*

The Secretary-General has the honour to transmit to the members of the General Assembly the forty-fourth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted pursuant to General Assembly resolution 66/76.

* The present report is being submitted late in order to take account of significant information received from interlocutors in Israel and the Occupied Palestinian Territory.

12-57126 (E) 201112

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Summary

The present report contains information regarding the efforts of the Special Committee to implement its mandate over the past year. This includes its consultations with Member States and its mission to the occupied Palestinian territory, Jordan and Egypt. The report gives particular attention to Israeli practices relating to the detention of Palestinian children, the arbitrary use of administrative detention against Palestinians, the demolition of Palestinian homes, the continued Israeli colonization of Palestinian territory and related violence carried out by Israeli settlers against Palestinians and their property, and the maintenance of a blockade against the Gaza Strip. The report also reflects information received concerning the situation of human rights and international humanitarian law in the occupied Syrian Golan Heights.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by General Assembly resolution 2443 (XXIII). It is currently composed of three Member States: Sri Lanka (Chair), Malaysia and Senegal. This year, the Special Committee was chaired by Palitha T. B. Kohona, Permanent Representative of Sri Lanka to the United Nations in New York. The Special Committee was also composed of Hussein Haniff, Permanent Representative of Malaysia to the United Nations in New York, and Fodé Seck, Permanent Representative of Senegal to the United Nations Office at Geneva.

II. Mandate

2. The mandate of the Special Committee, as set out in General Assembly resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the population of the occupied territories. The occupied territories are considered those remaining under Israeli occupation since 1967, namely, the occupied Syrian Arab Golan and the Occupied Palestinian Territory, which comprises the West Bank, including East Jerusalem, and the Gaza Strip.

3. The present report is submitted in pursuance of General Assembly resolution 66/76. In that resolution, the Assembly requested the Special Committee, "pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter". The Assembly also requested the Special Committee "to continue to investigate the treatment and status of the thousands of prisoners and detainees, including children and women, in Israeli prisons and detention centres in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967".

III. Activities of the Special Committee

A. Consultations with Member States

4. The Special Committee held its annual consultations with Member States in Geneva on 15 and 16 March 2012. The priority focus this year was on direct consultation with Member States that had co-sponsored General Assembly 66/76, by which the Assembly extended the mandate of the Committee. Member States were also consulted regarding options for a field mission, in the light of Israel's continuing practice of non-cooperation with the Committee's mandate, as well as the most pressing matters to be addressed in the Committee's report to the

Assembly. Meetings were requested with all 34 Member States that had co-sponsored resolution 66/76. In addition to meeting with Member States, the Committee met with the Deputy High Commissioner for Human Rights and was briefed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. As in past years, a meeting with the Permanent Mission of Israel to the United Nations was requested but not granted. A meeting was held with the Permanent Observer Mission of Palestine to the United Nations.

5. The key points that emerged from consultations with Member States were the following. The mandate of the Special Committee remains essential, given Israel's continuing occupation of Palestinian and other Arab territories and the widespread and systematic violations of human rights and international humanitarian law resulting therefrom. The Committee's observations and conclusions should be brought to the attention of as wide an audience as possible. In this regard, the report shall also be made available to the Human Rights Council as a supplement to the reports of the Council's Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and without prejudice to the mandate of the Special Rapporteur, in addition to exploring additional ways to increase the Committee's public information outreach.

6. The members of the Special Committee have taken full account of the views of Member States, including when formulating the recommendations contained in the present report.

B. Field mission to investigate Israeli practices

7. The Government of Israel maintained its practice of non-cooperation with the Special Committee. The Committee's mission to the region was not able to gain direct access to all of the occupied territories within its mandate. Nor was the Committee able to hold consultations with relevant Israeli authorities. The Committee was able to visit the Occupied Palestinian Territory, specifically the Gaza Strip, by crossing the border between Egypt and Gaza. Meetings in the Gaza Strip took place from 14 to 17 July 2012. The Committee convened meetings in Jordan from 11 to 13 July 2012. Meetings were also convened in Cairo on 18 and 19 July 2012. The Committee was not able to hold meetings in the Syrian Arab Republic, owing to the situation currently prevailing in that country. Nevertheless, the Committee was able to engage with interlocutors in the occupied Syrian Golan Heights by way of teleconference.

8. The Special Committee sought a wide range of views regarding Israeli practices affecting the human rights situation in the occupied territories. Invitations were extended to Palestinian, Israeli and Syrian victims, witnesses, officials and non-governmental organizations, and support was made available to facilitate their appearance before the Committee. Documentation and other materials submitted to the Committee were thoroughly reviewed in advance of the preparation of the present report. Those documents and materials have been archived by the Secretariat.

9. The Special Committee was grateful to again have the opportunity to meet with the Secretary-General of the League of Arab States, Nabil Elaraby. The members were also grateful to again have the opportunity to meet with the Minister of Prisoners' and Detainees' Affairs of the Palestinian Authority, Issa Qaraqe. The

Committee also met with senior officials from United Nations agencies. In addition to holding meetings, while in the Gaza Strip the Special Committee visited Israeli-enforced access-restricted areas (also referred to as the "buffer zone"), the harbour area, refugee communities and a humanitarian aid distribution centre. At the conclusion of the visit, the United Nations Information Centre in Cairo organized a press conference for the Committee.

IV. Situation of human rights in the Occupied Palestinian Territory

A. Palestinian prisoners and detainees in Israeli prisons and detention centres

Situation of Palestinian children detained by Israel

10. The Committee heard extensive testimony concerning Israel's treatment of Palestinian children in detention. Much of this testimony was alarming. Between 500 and 700 Palestinian children are detained by Israel every year. Witnesses informed the Committee that mistreatment of Palestinian children starts from the moment of detention. Family homes are surrounded by Israeli soldiers late at night, sound grenades are often fired into the houses, doors are broken down, live shots are often fired, and no warrant is presented. It was brought to the Committee's attention that 60 per cent of all detentions of Palestinian children by Israel occur between midnight and 5 a.m. Ninety-five per cent of these children are tightly bound, and 90 per cent are blindfolded. They are forced into the backs of military vehicles. Parents are not allowed to accompany them. Instead, family members are insulted, intimidated and at times physically assaulted. Thirty-two per cent of these children report being confined to the floor of the military vehicle; 75 per cent report being subjected to physical violence, such as kicking; 57 per cent report being threatened; and 54 per cent report being verbally abused or humiliated. According to witnesses, the detention and transfer of children can last for hours and often include stops in Israeli settlements, Israeli checkpoints and police or military bases. One witness recounted a case in which two Palestinian minors were taken to the Binyamin settlement, stripped naked, handcuffed to toilets and urinated on by Israeli soldiers and settlers.

11. Victims and witnesses reported that detained Palestinian children are not informed of their rights, including their right to legal representation and their right not to incriminate themselves. On the contrary, testimony received indicated that they are often told that if they confess or plead guilty they will be able to go home sooner. Eighty-seven per cent of Palestinian children in detention are denied bail, and thus remain detained until the conclusion of a legal process. The Special Committee was informed that 58 per cent of detained Palestinian children confess during interrogation, while 90 per cent plead guilty in order to avoid extended pretrial detention. The Committee was also informed that approximately 30 per cent of these children are given documents to sign in Hebrew, a language that they cannot understand, and forced to sign under duress. In 63 per cent of cases involving detained Palestinian children, according to testimony received, Israeli officials attempt to pressure them into becoming informants. Much of the pressure facing Palestinian children detained by Israel stems from the fact that the Israeli military

courts convict 99.74 per cent of all cases not resolved through a confession or guilty plea.

12. Reports of the interrogation of detained Palestinian children, as well as conditions of detention generally, are of the utmost concern to the Special Committee. During the Committee's investigations, it emerged that 33 per cent of detained Palestinian children are strip-searched. One appalling example of the treatment to which these children may be subjected was a case in which a child was taken to the Ariel settlement, beaten, thrown against a wall and told that if he did not sign a confession in Hebrew, the soldiers would use a hot iron on his skin. Witnesses reported that Palestinian children in detention are often denied family visits, denied access to legal representation, held in cells with adults, denied access to education and — even at the age of 12 — tried in Israeli military courts. In flagrant violation of article 76 of the Fourth Geneva Convention, 63 per cent of these children are detained in Israel. The Committee was dismayed to learn that Israel continues its practice of sentencing children to prison or placing them under house arrest in homes other than those of their families, in effect exiling them from their families. The Committee was informed by witnesses that there were 192 children in detention, 39 of them under the age of 16. The Committee was shocked by testimony indicating that Israel uses solitary confinement to punish 12 per cent of Palestinian child detainees.

13. The Committee was briefed on three recent Israeli military orders of particular concern to Palestinian children detained by Israel. Military order 1644 established a military court for children. While Palestinian children used to be prosecuted in the same military courts as adults, they are now separated and tried before Israeli military judges who have received "appropriate" training. Nevertheless, children are still sent before adult military courts for bail applications and habeas corpus hearings, and no special consideration is given to the vulnerable situation of children in relation to sentencing. Furthermore, military order 1644 still allows for children to be denied access to a lawyer for 90 days, which is the same as applies to adults.

14. Military order 1676 raised the age of majority from 16 to 18 for Palestinian children. However, because the order does not apply to sentencing provisions, 16- and 17-year-old Palestinian children can still receive the same sentences as adults. Military order 1676 also now requires that Palestinian children be notified that they have the right to consult with a lawyer. However, Israeli police are to contact a lawyer on the basis of contact information received from the detained child, and Palestinian children do not usually maintain possession of the contact information for their attorney. In addition, military order 1676 does not clarify at what point a lawyer can be contacted. It also requires that Israeli police notify the child's parents that he or she has been detained. Yet this requirement does not pertain to detentions carried out by the Israeli military, and it allows notification by the police to be delayed significantly in cases involving so-called "security offences". Notably, there is still no guarantee that a parent can be present while his or her child is being questioned.

15. Military order 1685 reduces from eight to four days the period of time for which children detained by the Israeli military can be held before being brought before a judge. It is important to note that military order 1685 does not reduce this period for children detained by Israeli intelligence agencies. In addition, it is critical

to note that much of the above-mentioned mistreatment of Palestinian children detained by Israel occurs from the moment of arrest and for the next 48 hours.

16. The Special Committee notes with deep regret that Israel's treatment of Palestinian child detainees is grossly inconsistent with the treatment it affords to Israeli child detainees, including the children of Israeli settlers in the Occupied Palestinian Territory. The following examples are indicative. While an Israeli child must be at least 14 years old to receive a custodial sentence, a 12-year-old Palestinian child can receive such a sentence. As noted above, a 16-year-old Palestinian child can receive an adult sentence, whereas an Israeli must be 18 years of age. Palestinian children do not have a legal right to have a parent present during interrogation, even though Israeli children enjoy such a right. Likewise, Israeli children can benefit from having their interrogation audiovisually recorded, but Palestinian children cannot. While a Palestinian child can be held for four days before being brought before a judge, an Israeli child must be brought before a judge within 12 to 24 hours of his or her arrest. Furthermore, an Israeli child can be held for only 48 hours without access to a lawyer, while a Palestinian child can be held for 90 days without such access. Similarly, an Israeli child can be detained for 40 days without charges being brought, whereas a Palestinian child can be detained for 188 days without charges. In respect of the maximum period of time between charges and a trial, it is six months for an Israeli child and two years for a Palestinian child.

Israeli practices related to the detention of Palestinians

17. The Special Committee maintains its long-standing concerns regarding Israel's interrogation and detention of Palestinians generally. The Committee was informed that, while numbers change daily, as at 1 June 2012 Israel had 4,659 Palestinians in detention. The Committee was briefed on unacceptable prison conditions; various forms of ill-treatment, in some cases amounting to torture; the widespread use of solitary confinement; pervasive medical neglect; and the use of medical testing on prisoners. In addition, the Committee was reminded that Israel continues to blatantly violate article 76 of the Fourth Geneva Convention by detaining Palestinians within Israeli territory.

18. As in previous years, many victims and witnesses described interrogation methods and conditions of detention that violate international law. The following were consistently mentioned: prolonged solitary confinement; prolonged sleep deprivation; the use of stress positions, such as bending the detainee's back over the seat of a chair at an extreme angle while his or her feet are shackled to the chair; punching, slapping and kicking; threatening family members of detainees and forcing detainees to observe family members being threatened or abused; the arbitrary use of strip-searches; and cultural and religious insults. The members were informed that as at 1 June 2012, Israel was holding at least 50 Palestinian prisoners in solitary confinement. Multiple witnesses recalled that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has stated that prolonged solitary confinement constitutes a form of torture or ill-treatment. Numerous interlocutors stressed that the audio- or videotaping of all interrogations of Palestinian prisoners would be an important step towards preventing torture and other forms of ill-treatment.

19. The Committee again received extensive testimony regarding lack of access to appropriate medical care and services and, in some cases, medical neglect. The members were informed that the Israeli Prison Service does not provide its doctors with sufficient resources to meet the needs of prisoners and that prison doctors are predominantly general practitioners who lack knowledge and training with regard to specific medical conditions prevalent among the prison population. A lack of doctors and other medical professionals who speak Arabic was highlighted as a key factor hindering access to appropriate medical care. Compounding these shortcomings is the fact that prisoners are typically prevented from receiving care from independent medical professionals. Since prisoners are generally also prevented from calling or seeing family members, they are unable to report medical concerns to persons outside the prison. In this context, non-governmental organizations that briefed the Committee placed emphasis on an ethical dilemma that confronts Israeli doctors working in the prisons. While the doctors are called upon by their profession to be loyal, in the first instance, to their patients (the prisoners), they are employed by and report to the Israeli Prison Service. The view of those who briefed the Committee is that in practice, Israeli Prison Service doctors prioritize their obligations to their employers over those to their patients.

20. The Committee wishes to increase the amount of international attention being paid to Israel's frequent use of administrative detention, which amounts to a policy of widespread and systematic arbitrary detention. While the total number changes almost daily, the Committee was informed during its mission that Israel was holding 310 persons under administrative detention; this included 6 young girls and at least 21 Palestinian parliamentarians. The members were also briefed on Israel's use of its "detention of unlawful combatants law". The "unlawful combatants law" amounts to administrative detention under a different name and is used primarily to detain Palestinians from Gaza. Such detainees are often held incommunicado for lengthy periods.

21. The problems with Israel's practice of administrative detention, in the light of its obligations under international human rights and humanitarian law, are manifold. In the first instance, administrative detention should be used only in the most exceptional cases and only for imperative reasons of security. It should not be used as an alternative to criminal proceedings, which appears to be the practice adopted by Israel. Furthermore, administrative detainees have a right to challenge the lawfulness of their detention. If such a challenge is to be effective, the detainee and counsel must be informed of the reasons for the detention. This must extend to providing the detainee and counsel with access to the basis for the detention, including with respect to so-called "secret evidence". The Committee notes that the Working Group on Arbitrary Detention has concluded that military courts do not provide an effective means to challenge administrative detention orders, since they are not sufficiently independent and impartial. The Committee also notes that the Human Rights Committee, when considering Israel's report on its compliance with the International Covenant on Civil and Political Rights, raised concerns regarding the frequent and extensive use of administrative detention by Israel. According to the Human Rights Committee, administrative detention infringes detainees' rights to a fair trial, including their right to be informed promptly and in detail, in a language that they understand, of the nature and cause of the charge against them, to have adequate time and facilities for the preparation of their defence and to communicate

with counsel of their own choosing, to be tried in their presence, and to defend themselves in person or through legal assistance of their own choosing.

22. While in the Gaza Strip, the Committee was able to meet with Mahmoud Sarsak, a member of the Palestinian national football team, who had recently been released by Israel following a three-month hunger strike in protest against his administrative detention under Israel's "unlawful combatants law". Mr. Sarsak's case illustrates the experience of the thousands of Palestinians whom Israel has arbitrarily detained during its occupation. He was arrested at a checkpoint, despite the fact that he had all the required documents. He was roughly handled and not informed of any charges. He was not allowed access to a lawyer or his family. He was not able to contest his detention through any judicial process. He was given no access to any information or evidence against him. Instead, he was told that he was a security threat, and on that basis his administrative detention order was repeatedly renewed for almost three years.

23. Israel's widespread use of administrative detention was one of the issues that motivated more than 1,000 Palestinian prisoners to launch a mass hunger strike on this year's Palestinian Prisoners' Day, 17 April. The Committee was informed that this mass hunger strike followed several individual hungers strikes that had captured significant international attention. According to information received by the Committee, at least 1,600 Palestinians joined a mass hunger strike in protest against Israel's use of administrative detention, solitary confinement and other punitive measures, and the lack of family visits and access to education and adequate health care. The Committee was disturbed by reports that Israeli prison authorities punished many prisoners who had freely chosen to participate in the hunger strike. The Committee heard reports of hunger strikers being physically abused, being denied access to independent medical care and contact with their families, being placed in solitary confinement, being shackled to a bed by all four limbs, and otherwise being humiliated and generally mistreated, specifically as punishment for going on hunger strike. At least one hunger striker, according to information presented to the Committee, was forcibly given medical treatment. The members were especially alarmed when informed that at least three Palestinian children had been beaten and placed in solitary confinement as punishment for participating in the hunger strike. In this general context, the Committee noted the statement released on 8 May 2012 by the International Committee of the Red Cross (ICRC), in which ICRC called upon Israeli authorities to ensure proper medical treatment and respect the human dignity of the hunger strikers.[1]

24. The Committee was also briefed regarding the 14 May agreement between Israeli authorities and representatives of Palestinian prisoners to end the mass hunger strike. Interlocutors informed the Committee that Israeli authorities had agreed to remove certain prisoners from solitary confinement; to allow family visits, including from Gaza; to limit the use of administrative detention; and to discuss other improvements in general conditions. The prisoners reportedly agreed to end their hunger strike and not to conduct "security activity" from within the prisons. The Committee was pleased to note that family visits for 24 prisoners from Gaza had taken place on 16 July. However, the Committee was greatly concerned by

[1] International Committee of the Red Cross, "Lives of Palestinian detainees on hunger strike in danger", news release 12/99, 8 May 2012, available at http://www.icrc.org/eng/resources/documents/news-release/2012/israel-palestine-news-2012-05-08.htm.

reports from witnesses, officials and civil society representatives that Israel is otherwise not implementing the 14 May agreement in good faith. Such reports indicate that Israel has continued its frequent use of administrative detention, including by extending administrative detention orders for prisoners who participated in the hunger strike. In this regard, the Committee received information that several prisoners were continuing their individual hunger strikes or were stating their readiness to go back on hunger strike if the Israelis do not fully comply with the agreement reached.

B. The West Bank, including East Jerusalem

Home demolitions and displacement of Palestinians

25. As the occupying Power, Israel's practices in the occupied territories must not be to the detriment of the local population. On the contrary, Israel is legally obligated to act for the benefit of the local population. It is within this legal framework that Israel's practice of demolishing Palestinian homes is of serious concern to the Special Committee. The number of demolitions has increased sharply over the past three years, with 378 structures having already been demolished between 1 January and 1 July 2012, 120 of them family homes. In 2011, Israel demolished 222 family homes, out of a total of 622 demolitions in the West Bank. The Committee notes with dismay that according to information received, Israel has demolished more than 26,000 Palestinian structures since 1967.

26. The members of the Special Committee received testimony that in 2011, 60 per cent of the demolitions in the West Bank had occurred near Israeli settlements. The particular target areas for demolitions appear to be East Jerusalem, the Jordan Valley and the South Hebron Hills. Tellingly, this corresponds to Israel's priorities in terms of the continued expansion of settlements. In East Jerusalem, for example, some 93,000 Palestinians are at risk of having their homes demolished. This constitutes more than 35 per cent of the Palestinian population of East Jerusalem. The Jordan Valley experienced the highest number of demolitions in 2011, with 199 structures demolished, 88 of which were Palestinian homes. Against this backdrop, the Committee recalls the preliminary conclusion of the Special Rapporteur on adequate housing, reached following her January-February 2012 visit to Israel and the Occupied Palestinian Territory, that Israel is involved in "the implementation of a strategy of Judaization and control of the territory".

27. These demolitions result in the forced displacement of Palestinians. The Special Committee was informed that more than 500 Palestinians, over 50 per cent of them children, had been displaced between 1 January and 1 June 2012. In the Jordan Valley, more than 400 Palestinians were displaced owing to demolitions in 2011, and some 150,000 Palestinians are considered to be at high risk of displacement. In the South Hebron Hills, approximately 50,000 Palestinians are considered to be at extreme risk of displacement. The above-mentioned 93,000 Palestinians in East Jerusalem also live at risk of displacement. The Committee was informed that Palestinians who are displaced are often told by the Israelis who demolish their homes that they should either leave Palestine or move to Area A or B. In relation to displacement generally, several victims and witnesses expressed the view that humanitarian assistance provided by the international community, including the United Nations, not only is partially fulfilling the legal

obligations of the Government of Israel as the occupying Power, but also makes Israel's occupation cost-free, since it is the international community that steps in to provide for the basic needs of victims of displacement.

28. The Special Committee was briefed on the planning and zoning regime that Israel applies in the West Bank. This regime serves as the policy basis for Israel's demolition of Palestinian structures. Rather than benefiting Palestinians, Israel's planning and zoning regime blatantly discriminates against them. The members of the Committee were informed that Israeli military order 418 had eliminated the participation of local Palestinian communities in planning and zoning activities in the West Bank. This role had been taken over by an Israeli military body, the "Higher Planning Committee". The members were reminded, however, that under article 27 contained in appendix 1 to annex III to the 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, planning and zoning authority in the West Bank was to be transferred to the Palestinian Authority over an 18-month period.

29. Notwithstanding its obligations under the 1995 Interim Agreement, Israel continues to maintain full control over planning and zoning in the West Bank. In this context, between 2007 and 2010 only 4.4 per cent of Palestinians who had applied for a permit to construct in the West Bank received such a permit; 94 per cent of Palestinian permit applications were denied. In the current circumstances, 70 per cent of the West Bank is formally off limits to Palestinian construction, while 29 per cent is off limits in practice. This leaves 1 per cent of the West Bank where Palestinian construction is allowed, in the unlikely event that the required permit can be obtained. The particular situation in East Jerusalem merits close scrutiny. Within the Israeli-defined municipal borders, 13 per cent of East Jerusalem is formally allotted for Palestinian development. However, this 13 per cent is already entirely built-up. Thus, in effect, Palestinians are unable to construct in East Jerusalem. The Special Committee notes with serious concern that this allotment of 13 per cent of East Jerusalem for Palestinian construction has not changed since 1967, notwithstanding the fact that the Palestinian population of East Jerusalem has more than quadrupled since then. The Committee recalls that Israel's obligations as the occupying Power, especially its obligation to act for the benefit of the local population, require that it take measures to ensure that Palestinians' housing and infrastructure needs are satisfied.

Settlements and settler violence

30. The Special Committee again received extensive information regarding Israel's efforts to illegally colonize the territories that it occupies. According to information received, Israel now has more than 500,000 of its citizens living in 150 settlements and 100 "outposts" in the West Bank, including East Jerusalem. Much of the testimony concerned persistent, often terrifying, violent attacks by Israeli settlers against Palestinians and their property. This testimony included video and photographic evidence of Israeli settlers physically attacking and shooting unarmed Palestinians, at times with Israeli soldiers either observing from a distance or intervening to arrest Palestinians. Witnesses, victims and officials who briefed the Committee consistently averred that settler violence is linked to Israeli settlement expansion and encouraged by a lack of effective action by the Government of Israel to prevent, investigate and prosecute attacks. The critical assertion of multiple victims and witnesses who appeared before the Committee was that Israel's lack of

effort to stop settler violence amounts to an unwritten State policy to forcibly displace Palestinians in the West Bank, including East Jerusalem.

31. The Special Committee was informed of at least 154 incidents of settler violence resulting in injuries or damage to property or land between 1 January and 26 June 2012. This constitutes an increase of 237 per cent compared with 2009 and 116 per cent compared with 2010. The highest numbers of recorded incidents occurred in Hebron and Nablus. The Committee notes with particular concern a trend of coordinated, large-scale attacks around the Yitzhar settlement in Nablus. Many interlocutors pointed to the impact of such violence on Palestinian livelihoods, noting that at least 7,500 Palestinian-owned trees had been destroyed and almost 10,000 damaged by Israeli settlers in 2011. This amounts to a loss of millions of dollars in income for Palestinian farmers. Furthermore, settlers often destroy Palestinians' water infrastructure or pollute or prevent access to Palestinian water sources, with due negative impacts on Palestinian agriculture and personal hygiene and health.

32. The Israeli settlers' so-called "price tag" strategy was given prominence in briefings to the Special Committee. This strategy involves attacks carried out by Israeli settlers against Palestinian and Israeli targets, in reprisal for any threat or action against settlements. Price tag attacks often comprise threats of physical violence, religious insults, vandalism of mosques and churches and the destruction of private property (especially agricultural lands), including the torching of cars. Such attacks are typically punctuated by graffiti that refers to the price tag strategy and indicates which settlement is being avenged. The members were informed that the price tag strategy continues to be supported through published materials and oral statements made by Israeli religious and political groups in the West Bank, including East Jerusalem, as well as in Israel. The members were also informed that price tag attacks have also been perpetrated against Israeli military facilities, indicating the level of lawlessness in which armed settler groups carry out the price tag strategy. It was reported that price tag attacks have tripled since 2008, with 24 such attacks carried out in 2011 and 11 from January to July 2012.

33. According to information presented to the Special Committee, Israeli settlers are continuing to carry out their violent attacks with near-total impunity. One Israeli non-governmental organization has monitored 642 cases of reported settler violence since 2005. Ninety per cent of those cases have been closed owing to lack of evidence; indictments have been filed in only 9 per cent of them. Another Israeli non-governmental organization has monitored 352 cases of reported violence, and indictments have been filed in only 8 per cent of them. Still, it was stressed that many cases go unreported by Palestinians, out of fear of retribution from armed settler groups. In response to questions from Committee members, victims and witnesses referred to statements by Israeli leaders committing the Government to ending settler violence. However, victims and witnesses expressed the view that in practice, the Government implicitly encourages violence by Israeli settlers by looking the other way. Several witnesses noted that many Israeli Government officials, ranging from senior political leaders to members of the military, live in the settlements. Many witnesses, including Israelis, questioned whether there is really any difference between the settlers and the Government.

C. The Gaza Strip

34. Owing to Israel's non-cooperation with the Special Committee, this year's field mission constitutes only the second time since its establishment in 1968 that the Committee has been able to visit the Occupied Palestinian Territory, specifically the Gaza Strip. The Committee was able to travel throughout Gaza to observe the situation on the ground. The Committee interviewed witnesses and victims affected by Israel's blockade and related policies and practices, and met with international officials and civil society representatives to gather up-to-date information on the human rights situation in Gaza. It was clear that the blockade continues to have a devastating impact on the people of Gaza.

35. The Special Committee was informed that there has been a slight increase in the number of truckloads of goods permitted to enter Gaza from Israel. However, this has not resulted in a notable recovery or improvement in terms of livelihoods. Key determinants of well-being brought to the Committee's attention supported this claim, including the fact that 80 per cent of Gazans are dependent on humanitarian aid from the international community; 44 per cent of Gazans are food-insecure, with 13 per cent experiencing chronic malnutrition; 38 per cent of Gazans live in poverty; and 43 per cent of essential medications and 30 per cent of basic health products are unavailable. The Committee was informed that more than 90 per cent of the tap water in Gaza is unsafe for human consumption and was briefed on the impact of the lack of reliable energy throughout Gaza, in particular in terms of the widespread consumption of unsafe food and the reliance of hospitals on generators for power.

36. Interlocutors stressed that the hundreds of tunnels through which goods are brought into Gaza from Egypt are used mostly to smuggle much-needed construction materials. In this regard, the Special Committee was updated on efforts to reconstruct homes destroyed during Operation Cast Lead, which occurred from December 2008 to January 2009. While 3,500 homes were totally destroyed during Operation Cast Lead, 2,900 were partially destroyed and 53,000 sustained minor damage. A total of 15,000 Gazans have remained displaced from their homes since Operation Cast Lead. In addition, a further 1,624 Palestinian homes in Gaza have been destroyed by Israel since Operation Cast Lead. The Committee was informed that in total, there is an immediate need for 71,000 homes in Gaza. Furthermore, children in Gaza urgently require more schools. Eighty-five per cent of schools in Gaza operate on double shifts, significantly undermining the quality of education.

37. The Special Committee met with fishermen who have had their livelihoods ruined by Israel's enforcement of a ban on fishing more than three nautical miles from shore for Palestinian boats, in flagrant disregard of Israel's obligations under the Oslo Accords. This makes 85 per cent of Gaza's fishing areas inaccessible and has resulted in unemployment for 80 per cent of Gaza's fishermen. The fishermen reported that while they used to bring in around 4,000 tons a year, they now bring in around 1,400 tons, much of which is smaller and less marketable catch. The fishermen also reported that, even within this arbitrarily imposed three-mile limit, they are frequently subjected to arrest, abuse and confiscation of their equipment. In the first half of 2012 alone, 64 incidents of the use of live fire by Israeli forces against fishermen were documented by international organizations. Representatives of the fishermen reported that Israeli authorities often confiscate boats and other fishing equipment, at times returning it either broken or without critical

components, such as motors in the case of the boats. Yet in order to receive their equipment back, fishermen are forced to sign a form indicating that they were at fault for the event for which they were detained and their equipment confiscated, and thus they are not eligible to pursue compensation. The Committee also met with farmers who have had their farms and agricultural equipment destroyed by Israeli bulldozers in the buffer zone, which effectively confiscates nearly 20 per cent of the land of Gaza. The farmers complained that the Israeli-declared security zone in effect expropriates 35 per cent of Gaza's agricultural land. As a result, their ability to earn a living has been devastated. Both fishermen and farmers shared stories of humiliating, brutal and sometimes deadly treatment at the hands of Israeli soldiers enforcing the blockade. The Committee was informed that since its previous visit, in July 2011, 120 Palestinians had been killed, 26 of them civilians, and at least 320 had been injured, 293 of them civilians, during Israeli military activities in the Gaza Strip.

38. Businesspeople in Gaza provided the Special Committee with detailed information regarding the impact of Israel's blockade on the economy. It was noted that imports remain at less than 50 per cent of pre-blockade levels, and it was recalled that Israel had destroyed 26 major industrial factories and 319 other productive facilities during Operation Cast Lead. Interlocutors asserted that the destruction of these factories and facilities had resulted in immediate losses of around a quarter of a billion dollars. In addition, this had brought all manufacturing in Gaza to a complete stop. Businesspeople also informed the members that Israel had destroyed 19 additional factories during the previous three months, by means of aerial bombing, tank fire and clearing operations by bulldozers. It was repeatedly stressed to the Committee that while Palestinians in Gaza need and want jobs, Israel's near-total ban on exports stifles economic growth and makes job opportunities extremely scarce. As a result, around 30 per cent of Gazans are unemployed. International officials, civil society representatives and businesspeople consistently emphasized that the rights of Gazans to work and to an adequate standard of living are being directly violated by Israel's blockade and its related policies and practices.

39. The Special Committee had an opportunity to observe the distribution of humanitarian aid in the Gaza Strip, and in doing so expressed admiration for the resilience of the people of Gaza in being able to survive on so little, especially in the face of the inadequate health care, frequent power outages and not infrequent incidents of violence that mark their daily lives. It was against this backdrop that the Committee was dismayed to receive information indicating that international aid organizations are facing severe shortages of funding to support their operations in Gaza.

V. Situation of human rights in the occupied Syrian Golan Heights

40. The Special Committee regrets that it was again unable, notwithstanding its request to the Government of Israel, to visit the occupied Syrian Golan Heights to directly investigate the human rights situation there. The civil society human rights activists with whom the Committee members spoke strongly denounced Israel's prolonged occupation of the Syrian Golan Heights. In addition, the Committee's

attention was drawn to continuing concerns regarding Israel's international human rights and humanitarian law obligations.

41. Activists complained that Israel persists in denying Syrian families the right to visit their family members elsewhere in the Syrian Arab Republic, while such family members are completely barred from visiting them in the occupied Syrian Golan Heights. The frequent denial of requests to attend funerals and wedding ceremonies of loved ones, as well as other basic forms of social and familial interaction, was consistently raised. The Special Committee was informed that Golanis who manage to secure a permit to travel outside the occupied Syrian Golan Heights are subjected to various forms of humiliating treatment by Israeli officials. Since 2010, according to information received, 36 Golanis have been either fined or detained by Israel when travelling with a proper permit outside the occupied Syrian Golan Heights. Activists noted that approximately 450 Golanis apply to travel outside the occupied Golan Heights every year and, after having paid a significant application fee, are denied a permit and receive no refund.

42. The prevalence of Israeli mines around and throughout the occupied Syrian Golan Heights continues to be a critical concern for Golanis. Activists emphasized the danger posed to children by such mines, especially since two mine fields are within 200 metres of primary schools in Majdal al-Shams. The Special Committee was informed that mines not only continue to limit agricultural activities, but also surround Golani neighbourhoods and thus present an immediate risk to civilians, especially children who play in the area. As an example of the indiscriminate risk posed by such weapons, it was reported that a mine had exploded on 27 January 2012 owing to heavy rains in the area. While private property was destroyed, Israel did not respond to a request for compensation. Against this backdrop, activists noted that in 2012, Israel had adopted a national plan on mines. Yet, in the occupied Syrian Golan Heights, according to reports received by the Committee, Israel is not demining areas near Golani neighbourhoods, but rather tourist sites visited exclusively by Israelis.

43. One view expressed to the Special Committee was that Israeli policies and practices in the occupied Syrian Golan Heights amount to a form of ethnic cleansing. In this connection, the Committee was surprised to learn that the Syrian Golani population is currently approximately 21,000, whereas in 1967 the Golani population had been approximately 100,000. The Committee noted with concern that according to information received, the current population of Israeli settlers in the occupied Syrian Golan Heights is approximately 18,000, or nearly 50 per cent of the total population. Activists informed the Committee that approximately 500,000 Golanis currently live in Damascus.

VI. Main conclusions

44. The above-mentioned Israeli policies and practices lead the Special Committee to one overarching conclusion. The mass imprisonment of Palestinians; the routine demolition of homes and resultant displacement of Palestinians; the widespread violence carried out by Israeli settlers against Palestinians, and the lack of effort to prevent or hold settlers accountable for it; and the blockade on Gaza and the resultant reliance on illegal smuggling to survive are practices that amount to a

strategy to either force the Palestinian people off their land or so severely marginalize them as to establish and maintain a system of permanent oppression.

45. In this respect, the Special Committee notes with regret that Israel applies two different planning and zoning regimes in the West Bank: a favourable one for Israeli settlers and a prohibitive one for Palestinians. The members conclude that this likely indicates that the Government of Israel intends to freeze Palestinian development and further expand Israeli settlements.

46. The Special Committee also notes with regret that the majority of demolitions of Palestinian homes and other structures occur near Israeli settlements. The members conclude that this likely indicates that the Government of Israel intends to remove Palestinians from their land, expropriate their territory and further expand Israeli settlements.

47. The Special Committee is of the view that these policies and practices function in a systematic manner and thereby discredit the claim of the Government of Israel that it is committed to the principle of two States living side by side in peace and security.

48. The Special Committee reiterates its conclusion that Israel's blockade of Gaza is illegal, in particular since it collectively punishes 1.6 million Palestinians.

VII. Recommendations

49. **The Special Committee calls on the Government of Israel to cooperate with it in the implementation of its mandate, in accordance with its obligations as a Member State and, in particular, in the light of the demand made by the General Assembly in its resolution 66/76.**

50. **The Special Committee urges the General Assembly to adopt measures to address Israel's long track record of non-cooperation with the United Nations, especially resolutions of the Security Council, resolutions of the General Assembly and mechanisms established by the Assembly and its subsidiary bodies. In this regard, the Special Committee draws the attention of the Assembly to Israel's decision to suspend cooperation with the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights. The Assembly may consider the imposition of sanctions aimed at persuading Israel to fulfil its obligations as a Member State.**

51. **The Special Committee urges the General Assembly to transmit the present report to the Secretary-General in order to convey it to the High Commissioner for Human Rights, so that it can be made available for consideration by the Human Rights Council in conjunction with the relevant reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967.**

52. **The Special Committee calls on the Government of Israel to bring its policies and practices concerning the arrest, detention and sentencing of Palestinian minors into line with international laws and standards relevant to children. All allegations of mistreatment of children in detention should be thoroughly and transparently investigated, perpetrators of violations against children should be prosecuted to the fullest extent of the law, and any officials**

involved in security operations or judicial processes concerning children should be comprehensively trained in applicable international laws and standards.

53. **The Special Committee calls on the Government of Israel to take immediate action to bring military orders 1644, 1676 and 1685 into line with international human rights and humanitarian law standards, especially those most relevant to children, and to consider requesting the expertise of the United Nations Children's Fund in this regard.**

54. **The Special Committee urges the General Assembly to take action aimed at compelling Israel to meet its international obligations concerning Palestinian detainees. Such action should address the concerns raised in the present report and previous reports of the Committee, and may include the establishment of an independent, international mechanism composed of experts in relevant international laws and standards to monitor, report on and carry out advocacy relating specifically to the situation of Palestinians detained by Israel.**

55. **The Special Committee calls on the Government of Israel to end its illegal use of administrative detention against Palestinians, including under the "unlawful combatants law". All Palestinians administratively detained must either be brought to trial with all applicable judicial guarantees or be immediately released.**

56. **The Special Committee calls on the Government of Israel to meet its commitments scrupulously and in good faith under the agreement reached on 14 May 2012 with Palestinian prisoners on hunger strike.**

57. **The Special Committee calls on the Government of Israel to cease the demolition of Palestinian homes and to provide appropriate reparation to Palestinians who have already had their homes demolished.**

58. **The Special Committee calls on the Government of Israel to fulfil its legal obligation, as the occupying Power, to act for the benefit of the population of the territory that it occupies. In the first instance, Israel should, in direct consultation with Palestinians, immediately revise its planning and zoning regime applicable to the West Bank, including East Jerusalem.**

59. **The Special Committee recalls the many United Nations resolutions and reports that have made clear that Israel's policies and practices aimed at transferring its population to the territories that it has occupied since 1967 are illegal. The Committee stresses the need for Israel to desist from the further colonization of these territories.**

60. **The Special Committee calls on the Government of Israel to take immediate, effective measures to end violence against Palestinians by Israeli settlers. This must include investigating any incidents of violence, criminally prosecuting perpetrators and ensuring that those convicted are given appropriate punishment.**

61. **The Special Committee reiterates its call for the Government of Israel to lift its blockade of Gaza. This should include immediate action to ensure a regular supply of food, medicines and other basic supplies and services, in line with Security Council resolution 1860 (2009). It should extend to increasing the capacity of Israeli crossing points for cargo and commercial goods, including with respect to facilitating exports from Gaza.**

62. **The Special Committee calls on the Government of Israel to desist from undermining Gaza's agricultural and fishing industries. In relation to maritime territory, Israel must bring its policy and practice into line with what it agreed to as part of the Oslo Accords, namely, a 20-nautical-mile limit for Gaza's fishermen.**

63. **The Special Committee reiterates its call for the Government of Israel to allow visits for Syrians in the occupied Syrian Golan Heights with family members elsewhere in the Syrian Arab Republic, and to allow such family members to visit their loved ones in the occupied Syrian Golan Heights. The Committee urges the Government of Israel to seek the cooperation of the International Committee of the Red Cross to ensure that such visits can take place.**

64. **The Special Committee calls on the Government of Israel to take immediate steps to remove all mines near neighbourhoods and schools in the occupied Syrian Golan Heights.**